

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAN 16 2003

Ex parte THOMAS APPLE, PAUL NOBLE,
JOHN FOOTEN and ANDREW KLEIN

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 08/736,143

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on December 12, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

The examiner entered a Final rejection on March 26, 2002 (Paper No. 23). A review of the record reveals that the Final rejection (Paper No. 23) does not contain all the appropriate pages. Moreover, on June 7, 2002, appellants filed an amendment (Paper No. 26). A review of the file reveals that the amendment has not been entered. In addition, there is no written communication from the examiner notifying appellants as to whether or not their amendment (Paper No. 26) has been entered.

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Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

- (1) to provide a complete copy of the Final rejection entered on March 26, 2002 (Paper No. 23),
- (2) to enter the amendment filed June 7, 2002 (Paper No. 26),
- (3) to notify to appellants in writing of the action taken, and
- (4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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CRF/clm/dm
RA03-0107